

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

ORDER
10-CR-615-11 (NGG)

-against-

JORGE MEJIA,

Defendant.

NICHOLAS G. GARAUFIS, United States District Judge.

Defendant Jorge Mejia moves, *pro se*, for compassionate release under 18 U.S.C. § 3582(c)(1)(A), arguing that a lung condition puts him at a heightened risk of death if he contracts COVID-19. (Def. Mot. (Dkt. 745).) The Government opposes Mr. Mejia’s motion, arguing that he has failed to exhaust his administrative remedies or to demonstrate that he has a medical condition giving rise to “extraordinary and compelling reasons” for his release. (See Gov’t Opp. to Mot. (“Opp.”) (Dkt. 747).) Mr. Mejia is currently serving a 144-month sentence at USP Hazelton and is scheduled to be released from custody on February 25, 2021. (*See id.* at 3.)

A court may consider a motion for compassionate release only “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier[.]” 18 U.S.C. § 3582(c)(1)(A). Mr. Mejia has not directed any request for compassionate release to Bureau of Prisons officials at his facility, and thus he has not satisfied the administrative exhaustion requirement.

Moreover, Mr. Mejia has not established “extraordinary and compelling reasons” for compassionate release at this time. *See* 18

U.S.C. § 3582(c)(1)(A)(i). Although Mr. Mejia is missing a portion of his right lung, he has not submitted any evidence that his condition has caused him difficulty or that it makes him more likely to contract COVID-19, or more likely to suffer severe health consequences in the case of infection.

Accordingly, Mr. Mejia's motion is DENIED.

SO ORDERED.

Dated: Brooklyn, New York
November 23, 2020

/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge